

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action 5:08-cv-00346-

SARAH E. ATWELL)	
)	
Plaintiff,)	DEFENDANT’S MOTION TO
vs.)	EXCLUDE TESTIMONY AND
)	REPORT OF MARIA VARGAS,
)	MS, CRC, CLCP AND
)	GARY ALBRECHT PH.D
McKINLEY MEDICAL L.L.C.; MOOG, INC.;)	
CURLIN MEDICAL, INC.; THE BROE)	
COMPANIES, INC.; PAT BROE; WOO YOUNG)	
MEDICAL, CO., LTD.,)	
)	
Defendants.)	

Defendant, Woo Young Medical Co., Ltd (hereinafter “Woo Young Medical”), by and through its undersigned counsel, hereby moves for an order excluding the testimony and reports of Plaintiffs’ experts, Maria Vargas, MS, CRC, CLCP (“Ms. Vargas”) and Gary Albrecht PhD (“Dr. Albrecht”). As more fully set forth in the Memorandum of Law in Support of this Motion, Ms. Vargas’ and Dr. Albrecht’s reports and conclusions fail to satisfy the standards of scientific reliability of Federal Rules of Evidence 702 and the United States Supreme Court’s decision in *Daubert v. Merrill Dow Pharm., Inc.*, 509 U.S. 579 (1993). Ms. Vargas’ Life Care Report and Dr. Albrecht’s report should be excluded from the record and the Court should not admit the report, conclusions or Ms. Vargas’ or Dr. Albrecht’s testimony for any purpose because the analysis, conclusions, methodology and calculations in the reports are unreliable.

This Motion is based on the facts and authorities set forth in the accompanying Memorandum of Law.

This the 27th day of June, 2012.

/s/Richard T. Boyette

/s/Meghan N. Knight

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No.: 5:08-cv-00346-D

SARAH E. ATWELL,)
)
Plaintiff,)
vs.)
)
)
McKINLEY MEDICAL L.L.C.; MOOG, INC.;)
CURLIN MEDICAL, INC.; THE BROE)
COMPANIES, INC.; PAT BROE; WOO YOUNG)
MEDICAL, CO., LTD.,)
)
Defendants.)

CERTIFICATE OF SERVICE

This is to certify that on June 27, 2012, I electronically filed the foregoing **DEFENDANT WOO YOUNG MEDICAL CO., LTD.'S MOTION TO EXCLUDE TESTIMONY OF MARIA VARGAS AND GARY ALBRECHT** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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Respectfully submitted,

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